

1 Michael J. Nuñez, Esq.
2 Nevada Bar No. 10703
2 mnunez@murchisonlaw.com
3 Tyler N. Ure Esq.
3 Nevada Bar No. 11730
3 ture@murchisonlaw.com
4 **MURCHISON & CUMMING, LLP**
5 350 South Rampart Boulevard, Suite 320
5 Las Vegas, Nevada 89145
5 Telephone: (702) 360-3956
6 Facsimile: (702) 360-3957

7 Attorneys for Defendant,
8 SPARTA INSURANCE COMPANY

9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 NAVIGATORS INSURANCE COMPANY,
13 Plaintiff,
14 vs.
15 SPARTA INSURANCE COMPANY,
16 Defendant.

CASE NO. 2:17-cv-02999-RFB-CWH

**STIPULATION AND ORDER FOR
LIMITED MODIFICATION TO
SCHEDULING ORDER DEADLINE
(FOURTH REQUEST) AND FOR
EXTENSION OF RECENTLY SET
PRETRIAL ORDER DEADLINE**

17
18 **STIPULATION TO MODIFY SCHEDULING ORDER DEADLINES**

19 This stipulation to modify the scheduling order, and to extend the recently set pretrial
20 order deadline, is entered into by and between Plaintiff NAVIGATORS INSURANCE
21 COMPANY (hereinafter "Plaintiff") and SPARTA INSURANCE COMPANY (hereinafter
22 "Defendant"), by and through their attorneys of record, pursuant to LR 6-1(b) and LR 26(4).
23 This is the fourth request to modify the scheduling order. The stipulation is based upon the
24 following:

25 **A. A statement of Discovery Completed to Date:**

26 Plaintiff and Defendant have exchanged initial disclosures of documents and the names
27 of individuals with knowledge of the facts pertaining to Plaintiff's claims against the Defendant.

1 The Defendant has propounded written discovery requests to Plaintiff, including interrogatories
2 and requests for production, and Plaintiff has served its responses to Defendant's
3 interrogatories. The Plaintiff has propounded interrogatories and requests for production to
4 Defendant, and the Defendant responded on June 28, 2018. Defendant provided documents
5 in connection with a subpoena Plaintiff issued to Defendant's third party administrator. Plaintiff
6 propounded a second set of interrogatories and requests for production to Defendant, and
7 Defendant responded on November 30, 2018. The responses to the request for production
8 consisted in objections. Plaintiff recently set the deposition of Defendant, Sparta's Person
9 Most Knowledgeable, for April 1, 2019.

10 **B. A specific description of the discovery that remains to be completed.**

11 • Plaintiff and Defendant anticipate taking the depositions of the parties' FRCP
12 30(b)(6) Person(s) with Knowledge.
13 • Pursuant to the Court's order, Defendant will produce documents in response
14 to Plaintiff's second set of requests for production by March 29, 2019.

15 **C. The reason why discovery remaining was not completed within the time**
16 **limits set by the discovery plan.**

17 On March 8, 2019, the Court held a hearing and issued rulings on dispositive motions.
18 Also at the hearing, the Court ordered that parties shall submit a joint pretrial order by April 19,
19 2019. Since the ruling, Plaintiff and Defendant have agreed to a mediation. The Mediation
20 has been set for April 29, 2019.

21 The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested
22 extensions. The parties have not yet taken their respective PMK depositions because they
23 wished to attempt to achieve a resolution of the case without incurring fees and costs for the
24 depositions, and without requiring personnel of the parties to take time away from their duties
25 to prepare for and appear at the depositions. Good causes exists for extending the time for
26 taking the parties' PMKs because the parties have agreed to a mediation and hence may be
27 able to avoid incurring these fees and costs and requiring personnel of the parties to take time
28 away from their duties.

1 Good cause exists for extending the submission date of the joint pretrial order because
2 the mediation may render the order unnecessary. The order is governed by LR 16-3, and is
3 extensive. It requires, among other things, a statement of the nature of the action and the
4 parties' contentions; a statement of uncontested facts deemed material; a statement of
5 contested issues of fact; a statement of contested issues of law; lists or schedules of all exhibits
6 that will be offered in evidence by the parties at the trial; lists of exhibits to which objection is
7 made and the grounds for objections; and a list of witnesses who may be called at trial.
8 Extending the pretrial order deadline until after the mediation may enable the parties to avoid
9 the costs that would be incurred to prepare the order.

10 Under the extensions proposed by the parties, should the mediation be unsuccessful,
11 the parties will be able to take the PMK depositions, and, subsequently, prepare the pretrial
12 order. The deadline for the pretrial order needs to be after the deadline for PMK depositions
13 because the depositions may impact the contents of the pretrial order.

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 D. A proposed schedule for completing all remaining discovery:

2 Deadline	3 Current Deadline Date	4 Extension Sought
5 Expert disclosure deadline	6 Closed	7 Closed
8 Rebuttal expert disclosure 9 deadline	10 Closed	11 Closed
12 Deadline For PMK 13 Depositions	14 April 8, 2019	15 May 23, 2019
16 Dispositive Motion Deadline	17 November 8, 2018	18 Closed
19 Pre-Trial Order Deadlines	20 April 19, 2018	21 June 11, 2019
22 Amend Pleadings and Add 23 Parties	24 closed	25 Closed
26 Interim Status Report	27 December 10, 2018 (60 28 days before new discovery cut-off per LR 26-3)	29 Closed

12 DATED: March 29, 2019

13 **MURCHISON & CUMMING, LLP**

15 By: /s/ Tyler N. Ure

16 Michael J. Nuñez, Esq.
17 Nevada Bar No. 10703
18 Tyler N. Ure, Esq.
19 Nevada Bar No. 11730
20 350 S. Rampart Blvd., Suite 320
21 Las Vegas, Nevada 89145
22 Attorneys for Defendant

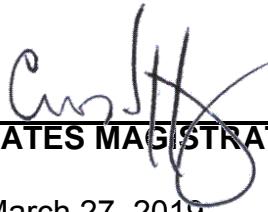
12 DATED: March 29, 2019

13 **MORALES, FIERRO & REEVES**

15 By: /s/ Ramiro Morales

16 Ramiro Morales, Esq.
17 Nevada Bar No. 7101
18 600 South Tonopah Drive, Suite 300
19 Las Vegas, Nevada 89106
20 Attorneys for Plaintiff

21 **IT IS SO ORDERED:**

22 
UNITED STATES MAGISTRATE JUDGE

23 DATED: March 27, 2019